

# House Committee Markup: Amendment Procedure

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## Summary

The essential purpose of a committee markup is to determine whether a measure pending before a committee should be altered, or amended, in any substantive way. Of course, committees do not actually amend measures; instead a committee votes on which amendments it wishes to recommend to the House.

How a panel conducts the amending process in markup for the most part reflects procedures used in the Committee of the Whole, as possibly modified by an individual committee's rules. There is also a widespread feeling that the level of formality in a markup often reflects the level of contention in the measure being marked up. See <http://www.crs.gov/products/guides/guidehome.shtml> for more information on legislative process.

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## Reading the Bill

Bills must be read twice in committee. Committees traditionally dispense with the first reading of a bill, either by unanimous consent or by motion. A bill is not considered as read for a second time (for amendment) until the chair directs the clerk to read section one. Under regular order a bill is read for amendment by section. By unanimous consent, however, a bill could be considered as read and open for amendment by title or at any point. In either case, the chair may then recognize any member to offer an amendment.

## Recognition and Debate

In recognizing members to offer amendments or to speak, the chair generally alternates between parties and gives preference to more senior members. When a member offers an amendment, the committee clerk traditionally reads the amendment and staff distribute copies of it; the reading may be dispensed with by unanimous consent.

Prior to a member speaking in support of his or her amendment, any member can either reserve or make a point of order against the amendment. If the point of order is made, the chair rules immediately; if it is reserved, the proponent of the amendment is recognized for five minutes in support of the amendment. In either case, the only time the point of order can be raised or postponed is prior to the proponent speaking on behalf of his or her amendment.

Most committees consider amendments under the five-minute rule. However, unlike in the Committee of the Whole, members do not need to strike the last word to gain recognition; members merely need to seek recognition to speak on an amendment. A member may gain additional time to speak beyond five minutes by obtaining unanimous consent.

## Offering and Considering Amendments

In many markups, members can offer amendments to each section of a bill as a section is read or designated. When the last amendment to a section has been offered, the section is considered closed to further amendment. The committee then moves to the next section. Amendments may also be offered *en bloc*, that is, affecting the measure in more than one place or in more than one section, but only if unanimous consent is granted.

A second option is for the chair to open the bill for amendment at any point. Such a procedure requires unanimous consent. This amendment process enables members to offer amendments in random order; some committees, however, use an amendment roster, traditionally prepared and agreed to in advance by all committee members.

As a third option, the chair can offer, or recognize another member to offer, an amendment in the nature of a substitute, essentially a full-text alternative to the pending measure. Such an

amendment can only be offered at the beginning or end of the process, and would then be open to amendment at any point. (The previous question can be moved on such an amendment following debate on it, cutting off all further debate and amendments to the measure being marked up.)

Amendments must be read in full unless reading is dispensed with by unanimous consent. Amendments can be withdrawn as long as no action, such as a vote, has been taken on them; unanimous consent is not required.

General principles and prohibitions governing amendments on the floor also generally apply in committee, such as amendments are only permitted in two degrees and amendments must be germane.

## **Ending the Amendment Process**

After the last section of a bill has been read or designated, or when by unanimous consent the entire bill has been considered as read, any member can move the previous question. This motion can only be made when all sections have been read. A member can also move to close or end debate on a pending amendment or to limit further debate on a pending amendment or section at a specified time. Unlike the previous question, closing debate does not preclude offering or deciding on further amendments; it just means that all subsequent amendments would be decided without debate.

## **Voting on Amendments**

There are three methods of voting in committee: voice, division (show of hands), or record. A record vote requires support of one-fifth of the members present to demand such a vote.

Pursuant to a House rules change agreed to in the 108<sup>th</sup> Congress, committees may adopt a committee rule that allows the committee or subcommittee chair to postpone votes on approving a measure, or adopting an amendment, and returning proceedings on a postponed question at any time after reasonable notice.

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